

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER PARTNERS II LLC,  
*Plaintiff and Counterclaim-Defendant,*

v.

T-MOBILE USA, INC. AND SPRINT LLC,  
*Defendants and Counterclaimant-Plaintiffs.*

Case No. 2:24-cv-00015-JRG-RSP  
(LEAD CASE)

**JURY TRIAL DEMANDED**

HEADWATER PARTNERS II LLC,  
*Plaintiff and Counterclaim-Defendant,*

v.

AT&T SERVICES, INC., AT&T MOBILITY,  
LLC AND AT&T CORP.,  
*Defendants and Counterclaimant-Plaintiffs.*

Case No. 2:24-cv-00016-JRG-RSP  
(MEMBER CASE)

**JURY TRIAL DEMANDED**

**HEADWATER’S ANSWER TO AT&T’S COUNTERCLAIMS**

Plaintiff and Counterclaim-Defendant Headwater Partners II LLC (“Headwater”) hereby answers Defendants and Counterclaimant-Plaintiffs’ AT&T Services, Inc., AT&T Mobility, LLC, and AT&T Corp. (collectively, “AT&T” or “Defendants and Counterclaim-Plaintiffs”), counterclaims as follows:

**NATURE OF THE ACTION**

1. Headwater admits that it has sued AT&T for infringement of the ’868 Patent, and ’502 Patent and that there is a substantial, actual, and continuing controversy between Headwater and AT&T as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 1.

**THE PARTIES**

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted that Headwater Partners II LLC is a Texas limited liability company with its headquarters at 110 North College Avenue, Suite 1116, Tyler, Texas 75702.

### **JURISDICTION AND VENUE**

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Headwater admits that it has sued AT&T for infringement of the '868 Patent, and '502 Patent and that there is a substantial, actual, and continuing controversy between Headwater and AT&T as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 10.

### **FIRST COUNTERCLAIM – NON-INFRINGEMENT**

11. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

12. Admitted.

13. Admitted.

14. Admitted.

15. Denied.

### **SECOND COUNTERCLAIM – INVALIDITY**

16. Headwater incorporates the preceding paragraphs by reference, as though fully set

forth herein.

17. Admitted.

18. Denied.

19. Denied.

20. Denied.

### **PRAYER FOR RELIEF**

In response to AT&T's prayer for relief, Headwater denies that AT&T is entitled to any relief, including any of the relief requested in paragraphs 1–5 of AT&T's prayer for relief. Further, Headwater requests the following relief:

WHEREFORE, Headwater respectfully requests that this Court enter:

a. A judgment in favor of Headwater that AT&T has infringed, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise, the '868 Patent and the '502 Patent;

b. A permanent injunction prohibiting AT&T from further acts of infringement of the '868 Patent and the '502 Patent;

c. A judgment and order requiring AT&T to pay Headwater its damages, enhanced damages, costs, expenses, and pre-judgment and post-judgment interest for AT&T's infringement of the '868 Patent and the '502 Patent;

d. A judgment and order requiring AT&T to provide accountings and to pay supplemental damages to Headwater, including without limitation, pre-judgment and post-judgment interest;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Headwater its reasonable attorneys' fees against AT&T; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

**JURY DEMAND**

Headwater, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: April 15, 2024

Respectfully submitted,

/s/ Marc Fenster

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**ATTORNEYS FOR PLAINTIFF AND  
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Headwater Partners II LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 15<sup>th</sup> day of April 2024 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster